

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



January 2, 1992

ALL-COUNTY LETTER NO. 92-03

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY GAIN COORDINATORS

SUBJECT: RETENTION OF RECORDS PERTAINING TO GREATER AVENUES FOR  
INDEPENDENCE (GAIN) AND TRANSITIONAL CHILD CARE  
LAWSUITS

REFERENCE: ALL COUNTY LETTER (ACL) NO. 91-77

The purpose of this letter is to clarify instructions for retaining records that pertain to GAIN-related lawsuits and to provide you with the current status of those lawsuits. As explained in All County Letter (ACL) 91-77, records which contain documentation relative to court cases are to be retained for three years after the final legal claim has been submitted for federal reimbursement. These records include those used to determine eligibility (including denials), and those used to determine the amount of retroactive benefits. Records which are pertinent to the court case may include case records, payment records, assistance claims and reimbursement claims.

The following are GAIN lawsuits for which you must retain pertinent records until you are notified by the Department that they can be destroyed:

CRARY V. McMAHON

Subject: Transportation Caps

Basis: Improper limitations on reimbursement to GAIN participants for transportation costs other than as specified in state statute and regulations.

Lawsuit Status: Court Order requiring retroactivity issued 8/3/90. Implementation instructions not yet issued to counties.

References:

ACL 90-86, TRANSPORTATION CAPS

ACL 91-24, ELIMINATION OF GAIN TRANSPORTATION CAPS

ACIN I-41-91, STATUS OF PENDING COURT CASES

Retroactive Claim Period: 12/15/86

JACOBSON V. McMAHON

Subject: Two-year limit for Self-Initiated Programs (SIPS)

Basis: Inappropriate application of the two-year limit for self-initiated programs under GAIN. The members of the class would include: (1) Persons whose SIPS were initially disapproved solely on the basis that they could not be completed within two years; who chose to continue

their programs, refused to participate in GAIN and were sanctioned, (2) Persons for whom the SIP was initially approved, but not completed when they reached the two-year limit, refused to participate in GAIN and were sanctioned, (3) Persons who quit SIPs to participate in GAIN in order to avoid a sanction, and (4) Persons who were exempt from GAIN, volunteered to participate and were denied solely because their SIP would take more than two years to complete.

Lawsuit status: Not settled

References:

ACL 90-68, TWO-YEAR POLICY FOR SELF-INITIATED PROGRAMS  
 ACL 91-56, APPLICATION OF THE TWO-YEAR LIMIT FOR SIPs IN  
 GAIN

ACIN I-41-91, STATUS OF PENDING COURT CASES

Retroactive Claim Period Begins: 5/9/87

Note: This also affects AFDC records related to sanctioning cases.

SANCHEZ V. McMAHON

Subject: Net Loss of Income

Basis: Denial of the right to use net loss of income provisions  
 post-assessment as good cause for refusing a job.

Lawsuit status: Not settled, but case may be dismissed.

Retroactive Claim Period Begins: 6/30/86

VARELA/YSLAS V. McMAHON

Subject: Financial Aid Offsets

Basis: Refusal to pay transportation/ancillary costs due to GAIN  
 participant receipt of federal financial aid.

Lawsuit status: Not settled

Reference: ACL 90-70, GAIN TREATMENT OF EDUCATIONAL FINANCIAL AID

Retroactive Claim Period Begins: 12/21/87

WINDLEY V. McMAHON

Subject: Notice of Action for Supportive Services

Basis: Failure to provide adequate and timely notices for GAIN  
 supportive services determinations. Lawsuit would provide  
 for notice or state hearings for all individuals who had  
 their supportive services reduced or changed without  
 adequate or timely notices.

Lawsuit status: Not settled

Reference: ACL 90-102, NOA MESSAGES FOR GAIN SUPPORTIVE SERVICES

Retroactive Claim Period: 10/12/86

The RODRIGUEZ V. McMAHON lawsuit relative to transitional child care has been dismissed and there is no longer a need to hold records related to this case.

In the CCWRO V. McMAHON lawsuit relative to the conciliation process, the court has ruled in our favor. The period for appeal has expired and there is no longer a need to hold records related to this issue.

While each lawsuit has different retroactive periods and not all counties are affected by all lawsuits, the Department recommends that counties retain all GAIN records since county implementation of the program.

If you have any questions regarding this letter or the above cases, please contact your GAIN and Employment Service Operations Bureau Analyst at (916) 654-1462 or CALNET 464-1462. Questions regarding records retention can be directed to Mr. Jeff Smith, Records Management at (916) 657-1914 or CALNET 437-1914.



DENNIS J. BOYLE  
Deputy Director

cc: CWDA